

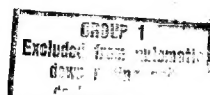
31 March 1970

MEMORANDUM FOR: Deputy Director of Central Intelligence

SUBJECT: Safeguarding Classified Information

1. This memorandum is for information.
2. The PFIAB once more proposes to consider the DCI's responsibility for safeguarding classified intelligence information at its meeting on Friday, 3 April 1970. Its primary interest is in compromise of such information by high officials of the Executive Branch.
3. There is little new in this field. Existing espionage and related criminal statutes are almost entirely ineffective in this field, and it is unlikely that effective legislation will be enacted. Even if it were, it probably would not be enforced under these circumstances.
4. The basic authority on safeguarding information is Executive Order 10501, which authorizes the heads of certain agencies, including CIA, to classify information relating to the national defense. It makes the heads of such agencies responsible for safeguarding the information and provides in section 7(c) that, ". . . classified defense information originating in another department or agency shall not be disseminated outside the receiving department or agency without the consent of the originating department or agency. . . ." An exception is given to CIA from this "third party" rule in view of our responsibility for disseminating finished intelligence. But, there is no exception for information originating in CIA which goes to other agencies. There is, however, no authority to enforce this restriction in the Executive Order.

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5. NSCID No. 1 provides that the Director of Central Intelligence shall ensure development of policies and procedures for the protection of intelligence and intelligence sources and methods, but states that each department and agency shall remain responsible for the protection of those matters within its own organization.

6. The Director's statutory responsibility in section 102(d) of the National Security Act of 1947, as amended, for the protection of intelligence sources and methods provides no concomitant authority for enforcement.

7. While it is clear from the foregoing that officials of other agencies are forbidden to compromise classified intelligence information, there is no direct action the DCI can take in the nature of enforcement. PFIAB has considered this problem in four recent meetings on 18 April 1969, 23 May 1969, 24 June 1969, and 6 February 1970. As a result of these, a Presidential Memorandum to the chief department and agency heads concerned with national defense admonishing them on the problem of protecting classified intelligence information was drafted and forwarded by the PFIAB staff to Dr. Kissinger. [REDACTED] has informed us that Dr. Kissinger has approved this draft with some minor modifications and is awaiting a propitious time to present it to the President. Also, as a result of these discussions a new paper of guidance covering disclosure of classified information for issuance to the intelligence community through USIB machinery has been drafted, but distribution of this document is awaiting the Presidential Memorandum.

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8. No further action has been proposed in connection with this problem.

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[REDACTED]

LAWRENCE R. HOUSTON
General Counsel

Attachments

Draft Presidential Memorandum
Draft Guidance Paper

cc: AD/DCI/NIPE

OGC chrono

✓subject DCI

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